

Regulations for the Archive of the WZB Berlin Social Science Center

Preamble

The WZB Berlin Social Science Center (hereinafter “WZB”) maintains its own archive established and managed according to recognized archiving principles. The archive is part of the department “Research information” at the WZB.

The main aim of the archiving is to document completed areas of research, research projects, the WZB’s mode of operation, and all significant institutional events and structural developments, by collecting relevant documents and materials.

For the WZB, its bodies, boards and research units, the archive functions as an “institutional memory” that can be accessed at any time as the need arises; it also promotes other scientific work and objective information.

These Regulations govern the safeguarding and usage of the materials that are kept by the archive.

Section 1 Definitions

- (1) Archive materials are all documents of archival value, which are either created or obtained by employees while under contract to the WZB, and are transferred to the archive for permanent storage. Archival materials are also documents from institutions or persons connected with the WZB, which the archive acquires and keeps to supplement its sources, as it sees fit.
- (2) Documents are, in particular, dossiers and other written items, notes, correspondence, minutes, diagrams, card filing systems, printed materials, plans, thematic collections, image, film and sound documents, electronic files, and machine-readable and other data storage devices, including the search tools and programs necessary for accessing and using them.

- (3) Documents have archival value, which have lasting value as a source for understanding the history of the WZB, for scientific research, and for safeguarding legitimate interests of persons concerned. Archival value is determined by the archive on the basis of internal recommendations for archiving at the WZB (Annex IV to the WZB Archive Regulations).
- (4) Interim archival materials are documents accepted by the archive for provisional storage, whose retention periods specified by legal and other regulations have not yet expired and from which the parts with archival value have not yet been selected. Such items are not archive material in the sense of these Regulations. In the case of interim archival materials, the supplying party in the administration of the WZB remains responsible for information and use by third parties, as determined by the Interim Archive Regulations in the form of separate instructions.

Section 2

Tasks

- (1) The archive has the task of determining and recording the archival materials; it also accepts, permanently stores and safeguards it, makes it available and usable, and supplements it.
- (2) The archive advises and supports the supplying bodies or persons at the WZB on all issues relating to the archive.
- (3) The archive takes decisions on the archival value of the documents offered to it and on their inclusion in the archive.
- (4) The archive has to implement the necessary organizational, technical, and personnel measures to ensure archiving and protection against unauthorized use, damage, and destruction. In particular, appropriate measures shall be implemented for safeguarding such documents as of the time of their inclusion, which contain data on individual persons or are subject to legal regulations concerning confidentiality.
- (5) In cases where the archive has also archived private documents, it may enter into agreements with the supplying persons or institutions, to regulate special handling of this archival material in accordance with their interests.

Section 3

Usage

- (1) Any person who can claim a legitimate interest may use the archival materials in accordance with these Archive Regulations. Legitimate interests are in particular official, scientific or publication-related purposes, personal interests, and usage by the bodies, boards and research units of the WZB which used the documents before they were transferred to the archive.
- (2) Applications to use archive material should normally be submitted in writing, including precise details of the purpose and topic of the investigations, using a form provided for this purpose (Annex I to the WZB Archive Regulations). The archive or, if applicable, the executive management shall decide whether to accept the application. The WZB may process the personal data relating to the application and information concerning the usage in accordance with the data protection provisions if this is required to ensure that the archive is in line with these Regulations.
- (3) Permission for usage is issued only for the purpose indicated in the application, for the topic applied for, and is generally issued for the current calendar year. Any change to the purpose of usage and/or to the topic specified in the application for usage requires separate permission.
- (4) In justified exceptional cases, enduring permission for usage may also be issued to individual persons in the WZB administration when authorized by the management for official work-related activities to allow inspection of certain items in their offices without filing an application for usage. Enduring permission for usage shall terminate at the end of the period of employment or when the original reason no longer exists (e.g. a change in the line of work).
- (5) The archival materials are to be handled with the greatest care. In particular, their internal order must be preserved, they must not be damaged or altered, and their current condition must not be jeopardized. The user of the material shall be liable for all damage arising in connection with its usage, but without prejudice to liability regulations governing public employment, if such regulations apply in the specific case.

Section 4

Protection periods and shortening of protection periods

- (1) Unless determined otherwise by legal provisions, archival materials that are kept by the WZB archive may not be used until 30 years after the creation of their final form. This general protection period does not apply to archival materials that were destined for publication from the outset. This does not affect additional legal rights and special agreements benefiting current or previous owners of private archival material. A protection period of 60 years after creation applies to documents subject to special confidentiality regulations.
- (2) Archival materials that relate to a natural person, due to their defined purpose or their primary content, may be made accessible to third parties only with prior written consent of the person concerned. 30 years after the death of the person concerned, usage of the archival materials requires prior written consent of his/her legal successors. If the date of death of the person concerned is not known to the archive, the protection period shall end 110 years after the birth of the person concerned. If the date of birth is also not known to the archive, the protection period for personal archival materials shall end 70 years after the creation of their final form. The protection period shall not apply to usage by the person concerned or members of his/her family.
- (3) The protection periods according to paragraph 1 sentence 1 above may be shortened in individual cases if Section 6 of these Regulations does not provide otherwise.
- (4) The protection periods according to paragraph 2 above may be shortened if consent has been granted by the person concerned or, after his/her death, by his/her surviving spouse, partner in enduring cohabitation, children or parents.
If consent has not been granted, the protection period for personal archival materials may be shortened in individual cases, if usage is necessary for conducting a scientific research project or in the legitimate interests of persons or bodies and the legitimate interests are appropriately respected through suitable measures, such as reproductions that have been rendered anonymous.
- (5) Applications to shorten protection periods must be made in writing, including information regarding the reasons for shortening the terms. Such applications may be made only for individual archive items (Annex III to the WZB Archive Regulations).

- (6) Either the archive, or if applicable the executive management, shall decide whether a protection period is to be shortened, weighing the interests involved. Conditions and requirements may be imposed on the usage of archival material.
- (7) The protection periods for archival material relating to individual persons do not apply to documents recording the activities of persons of contemporary history and those holding a public office if they were acting in their official capacity and the information does not concern their personal life. If the activities have been recorded in personal material, the legitimate interests of third parties must be taken into account as appropriate. Before protection periods have expired, the archive may release information from the archival material, provided there is nothing to prevent such action.

Section 5

Restriction and exclusion of usage

- (1) In the following cases, either usage of archival materials must be refused or it may be restricted:
 - if usage is prevented by data protection provisions, the personal rights or copyrights of third parties, their legitimate interests, or other regulations or agreements, or
 - if the condition of the materials prevents usage, or
 - if the archival materials are not available for work reasons and/or owing to another simultaneous usage, or
 - if the user has already infringed upon the Archive Regulations during previous usage.
- (2) Upon request from the archive, the user must submit a written agreement stating that while using archival materials he/she will respect the personal rights and copyrights (e.g. to film, audio or photographic material), the legitimate interests of third parties, and will indemnify the archive from liability if these rights are infringed (Annex II to the WZB Archive Regulations).
- (3) The permission to use archival materials may be withdrawn if the information contained in the application for usage is either incorrect or out-of-date, if the user fails to comply with usage conditions and requirements, if archival material is damaged or removed, or in other cases of gross infringement of the provisions of these Archive Regulations.

Section 6

Publication of archival material

- (1) Printing, creation of multiple copies, and forwarding of sources in the archive require prior written permission. Publishing rights are issued on a one-off basis and a separate application must be made for each additional usage (including new editions).
- (2) The sources used in publications must be indicated unequivocally. The information must indicate the WZB archive as the storage location, the stock designation, and the archive reference of the original.
- (3) Upon publication, the WZB has the right to automatically receive a cost-free specimen copy of all publications for which material kept by the archive was used.

Section 7

Costs

There is no charge for accessing archival materials, provided no payment regulation determines otherwise. Any costs arising from creating reproductions of archival material must be reimbursed.

Section 8

Entry into force

These Archive Regulations enter into force on the day of their publication.

Annexes

Annex I: Application form for readers

Annex II: Usage Declaration

Annex III: Application for shortening of protection periods

Annex IV: Recommendations for Transferring and Archiving Documents